

AUSA K&Q

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Oscar OTERO-Flores,

Defendant.

Mag. Case No.

'08 MJ 8774

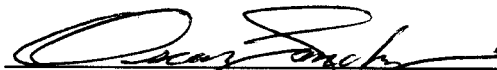
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Attempted Entry After Deportation

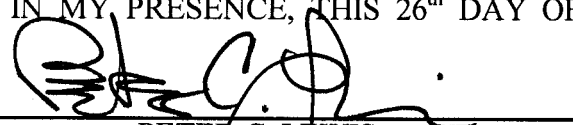
The undersigned complainant being duly sworn states:

On or about August 25, 2008, within the Southern District of California, defendant Oscar OTERO-Flores, an alien, knowingly and intentionally attempted to enter the United States of America with the purpose, i.e. conscious desire, to enter the United States without the express consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, after having been previously excluded, deported and removed from the United States to Mexico, and not having obtained said express consent to reapply for admission thereto; and committed an overt act, to wit, crossing the border from Mexico into the United States, that was a substantial step towards committing the offense, all in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


Senior Border Patrol Agent
Oscar Sanchez

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 26th DAY OF AUGUST 2008.


PETER C. LEWIS
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

v.

2 Oscar OTERO-Flores

3
4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon the
6 investigative reports of Border Patrol Agent P. Cruz that the
7 defendant was found and arrested on or about August 25, 2008, 5
miles west of the Calexico, California, Port of Entry.

8 At approximately 5:30 a.m., the Remote Video Surveillance
9 operators advised Agent Diaz that six suspected illegal aliens
10 had crossed the United States/Mexico International Boundary, one
who was later identified as Oscar OTERO-Flores.

11 Agent Diaz responded to the area and approached the group.
12 BPA Diaz identified himself as a United States Border Patrol
13 Agent. BPA Diaz determined through a field interview, that OTERO
14 is a citizen and national of Mexico with no immigration documents
15 to be legally in the United States. OTERO and the rest of the
group were placed arrested.

16 Record checks revealed that OTERO has a criminal and
17 immigration record. Record checks also revealed that OTERO was
18 previously removed from the United States by an Immigration Judge
on January 7, 2002.

19 There is no evidence OTERO has sought or received permission
20 from the United States Attorney General or the Secretary of the
21 Department of Homeland Security to re-enter the United States
22 after being deported.